

## Exhibit C



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

DAVID J. TOSCANO  
MINORITY LEADER

211 EAST HIGH STREET  
CHARLOTTESVILLE, VIRGINIA 22902  
FIFTY-SEVENTH DISTRICT

COMMITTEE ASSIGNMENTS:  
COURTS OF JUSTICE  
COMMERCE AND LABOR  
RULES

September 14, 2018

Honorable M. Kirkland Cox  
Speaker of the Virginia House of Delegates  
*Via USPS and email:* [delKCox@house.virginia.gov](mailto:delKCox@house.virginia.gov)  
P. O. Box 1205  
Colonial Heights, VA 23834

Dear Kirk:

Thank you for your letter of September 9, 2018, and your follow up discussion in our short meeting on September 11. As I indicated in our meeting, which is the first time we have discussed this issue, I was not previously aware of any detailed overtures made to several members of Democratic Caucus relating to redistricting. Prior to our September 11 meeting, no private or public gestures had been made to our leadership team, and certainly not to me. Moreover, no one in your leadership team even provided us the courtesy of responding to the two separate letters that I sent, one in mid-July in the aftermath of the court's ruling of June 26, 2018, and the other in August, both of which respectfully requested your cooperation in reconvening a session to address the court's requirements. Had the Governor not called us into session, we might still be waiting.

It was only after this lack of response that we moved forward and created our own map. We believe that our remedial map is constitutional and provides a solid basis upon which new lines could be finalized. At our legislative session and committee meeting of August 30, rather than discuss how our map might be altered, we received several hours of cross-examination criticizing the work we had done. No effort was made on your part to amend our map or propose a map of your own. Although we were all together in Richmond on August 30, no member of the Republican leadership met with the Democratic leadership or even proposed a meeting at that time.

On August 30, the Privileges and Elections Committee was told that your caucus had identified 115 issues that required addressing by the court's order, but neither Democrats on the committee nor Democratic leadership was provided with that list, and there has been little discussion, outside of the committee hearing on August 30, of what is on the list. It is hard to develop or improve a map without receiving those items. I reiterate our request for that list; if you assert that we need to address these issues to create a map, and you sincerely desire to create such a map, it seems only reasonable to provide us with that list to see if we can address the concerns.

By this letter, I request a copy of the issues identified and why they are important to the constitutional issues in drawing a map. Since the list was referred to in the Privileges and Elections Committee meeting on August 30 numerous times, I see no reason why you should not send it immediately. We look forward to you sharing this with us.

In your September 10, 2018, letter to me, Delegate Bagby, and Gov. Northam, you suggested that we might work together to draw a remedial map and that we utilize the following four criteria as the basis for doing so:

1. complies with the Court's order in the 11 challenged districts
2. adheres to established redistricting criteria
3. does not displace any current member of the House of Delegates, and
4. does not substantially alter the partisan makeup of any competitive House districts.

With the exception of criterion 1 and possibly 2, these are not the criteria that the case law requires us to use in drawing a new map. We also believe it is impossible to draw a map that meets criterion number 4. You are arguing that we produce a map to essentially "freeze" the partisan makeup of all present competitive districts. First, why would anyone want to lock in partisan advantage created by unconstitutional maps? Second, when you unpack the 11 districts, it is only natural that there will be more Democratic voters in adjacent districts and the partisan makeup will therefore change. Perhaps you have a map which magically does not do this, but in the three months since the Court's order, we have not seen it. Our map utilized the proper criteria and we believe it is a constitutional remediation of the improper racial gerrymandering adopted in 2011. If you were seriously interested in working on our map, perhaps you could have made some suggestions in committee or even later. Instead, all we hear is criticism. Based on our recent session of August 30 and your letter, there seems to be little appetite within your leadership or caucus to work on this map.

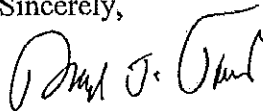
During the last three months of waiting, we have sacrificed critical time for drawing a remedial map. And your recent actions will only prolong matters further.

In our view, the approach of the Republican caucus to date has not suggested any real effort to draw a map together. The fact that on August 30, your caucus defeated two separate motions, one in committee and one on the floor, to return to Richmond at a time certain to continue work on a remedial map, only reinforced this view. Only after the District Court denied your request for a stay of its Order, have you now proposed a new approach that involves more delay, the possibility of a new map, and a schedule that, under your own scenario, may lead to full House consideration only in mid-October. This, of course, has been dressed up with the assertion that you have consulted with Democrats in numerous meetings, most of which occurred on September 11, which were cursory at best, and which occurred a mere day before they were conveniently summarized in your court pleading as evidence of "good faith" efforts to draw a map together. At the very least, you should have committed to putting a map on the House floor on the day you have scheduled for the Privileges and Elections Committee to meet to consider our map and any map that you may have.

Given your refusals to call a special session, the failure to discuss any real options with Democratic leadership (or even respond to inquiries), the ignoring of court requests for a timeline for the preparation of a Republican map, the refusal to engage on a Democratic map on August 30, and the fact the court's order has been in place for almost three months, it is difficult to draw any conclusion but that your caucus desires to delay, delay, and delay, in hopes of holding yet another election with the gerrymandered unconstitutional districts. As of today, we still have seen no map from your caucus and no precise suggestions for modifying our map.

Under these conditions, the public has justifiably concluded that the legislature is at an impasse.

Sincerely,



David J. Toscano

cc: Gov. Ralph Northam  
Hon. Lamont Bagby